

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**MERIDIAN AUTOMOTIVE
SYSTEMS, INC.,**

Plaintiff,

CIVIL ACTION NO. 07-CV-14410-DT

VS.

DISTRICT JUDGE PAUL D. BORMAN

**CREATIVE LIQUID
COATINGS, INC.,**

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendant.

**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION TO EXTEND
DEADLINE FOR FILING DISPOSITIVE MOTION**

**AND
CANCELLING HEARING SCHEDULED FOR MAY 13, 2009**

This matter comes before the Court on Plaintiff's Expedited Motion to Compel Discovery and to Extend the Deadline for Filing Dispositive Motions and/or Allow Plaintiff to File an "Out-of-Time" Dispositive Motion filed on April 14, 2009. (Docket no. 29). Defendant has responded. (Docket no. 34). Plaintiff filed a Reply brief. (Docket no. 36). Plaintiff's motion was referred to the undersigned for decision. (Docket no. 30). This Court scheduled a hearing on this motion for May 13, 2009. (Docket no. 32). The parties filed a Joint Statement of Resolved/Unresolved Issues revealing that all but one issue has been resolved. (Docket no. 35). After considering the parties' Joint Statement, the Court finds that the hearing is no longer necessary. The Court therefore dispenses with the hearing pursuant to E.D. Mich. LR 7.1(e). Plaintiff's motion is now ready for decision.

The parties have resolved the portion of Plaintiff's motion seeking to compel discovery. (Docket no. 35). Therefore, that portion of the motion is denied as moot.

The only issue remaining for decision is whether Plaintiff should be allowed to file a dispositive motion even though the deadline for filing such motions was March 28, 2009. (Docket no. 22). Under Fed. R. Civ. P. 16(b)(4), such a date in a court's scheduling order may be modified for good cause shown.

Defendant has filed a motion for summary judgment which is scheduled for hearing before Judge Borman on August 5, 2009. (Docket nos. 27, 31). The parties agree that Defendant produced to Plaintiff additional documents since the filing of this motion including internal emails not previously produced. (Docket no. 35 at 1). Although the parties disagree on whether this production justifies an extension of the dispositive motion deadline for Plaintiff, the Court finds that Plaintiff has shown good cause for allowing it an extension of time. Therefore, Plaintiff will be allowed up to and including May 22, 2009 to file a dispositive motion.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel (docket no. 29) is **GRANTED** to the extent that Plaintiff may file a dispositive motion on or before May 22, 2009, and is otherwise **DENIED**.

IT IS FURTHER ORDERED that the May 13, 2009 hearing is **CANCELLED**.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: May 11, 2009

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Counsel of Record on this date.

Dated: May 11, 2009

s/ Lisa C. Bartlett
Courtroom Deputy